

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47517 of 2023

Arising Out of PS. Case No.-253 Year-2023 Thana- OBRA District- Aurangabad

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J.P. YADAV @ JAIPRAKASH KUMAR SON OF BHAGWAN SINGH R/O-
MURADPUR, P.S.-FESAR, DISTT.-AURANGABAD

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, Advocate

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 11-08-2023

Heard the parties.

The petitioner is apprehending his arrest in connection with Obra P.S. Case No. 253 of 2023 for the offence under sections 30(a) of Bihar Excise Prohibition and Amendment Act, 2018 lodged on 09.06.2023 by the informant, Amrendra Kumar.

As per the prosecution story, the Police during patrolling, raided the beetle shop of the petitioner and recovered 4.4 liters of country made liquor. Accordingly, The F.I.R.

Learned counsel for the petitioner submits that he was away from the beetle shop and the Police only to implicate him, has brought this theory of recovery of 4.4 liters of country made liquor and accordingly, he is facing arrest.

Learned APP opposes the prayer stating that recovery/seizure is from a beetle shop.



Considering the aforesaid submissions put forward by the learned counsel for the petitioner as also that the recovery is from a beetle shop where the petitioner was not present, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Special Judge, Excise II, Aurangabad, in connection with Obra P.S. Case No. 253 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;



(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

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